THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.9704 of 2006

Date: 09.05.2006

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Between:

M/s. Fore Sites, Proprietorship Firm,

Hyderabad

Petitioner

and

The Andhra Pradesh State Road Transport Corporation,

rep. By its Vice Chairman and Managing Director,

Musheerabad, Hyderabad and others.

Respondents

ORDER:

Pursuant to the notification inviting tenders issued by the respondent–Corporation, the petitioner was awarded a contract (non statutory) for display of advertisements of 38 passenger bus shelters in and around Warangal and

Hanamakonda for a period of three years.

The rights of the petitioner under the contract commenced from 01.12.2005 and enure for a period of three years. The petitioner entered into an agreement and pursuant thereto claims to have erected an advertisement hoarding in the old bus station (Chowrastha) at Hanamakonda point, Hanamakonda. While so, in the proceedings of the third respondent, dated 28.04.2006, impugned herein, the petitioner is called upon to remove the hoarding from the old bus station, Hanamakonda alleging that the hoarding was erected unauthorisedly. The notices states if the petitioner fails to remove the hoarding, the respondent–Corporation will remove the same and labour charges will be debited to the petitioner.

The petitioner claims that this conduct of the respondent is inconsistent with the contract entered into between the petitioner and the respondent Corporation. It is neither pleaded nor demonstrated before this Court the contract between the petitioner and respondent is statutory contract. As it is a non statutory contract, any violation of terms of such contract, are not amenable to review under Article 226 of the Constitution of India in view of the law declared in ***Radha Krishna v. State of Bihar*** and in ***The Assistant Excise Commissioner v. Issac Peter***

In view of the law declared, the Writ Petition is dismissed. The petitioner is at liberty to move the appropriate Civil Court of competent jurisdiction. Nothing in this order shall be construed as an expression by this Court on the merits of the claims of the petitioner.

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Goda Raghuram, J

Date: 09.05.2006

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